



City of Alameda

Staff Report

File Number:2014-35

City Council

Agenda Date: 2/18/2014

File Type: Consent Calendar Item

Agenda Number: 5-E

Adoption of Resolution Amending Resolution No. 7477 to Allow Bargaining Units to Petition for Unit Modifications Throughout the Year, at the Discretion of the City Manager. (Human Resources 2510)

To: Honorable Mayor and Members of the City Council

From: John A. Russo, City Manager

Re: Adopt a Resolution Adopting Resolution 7477 to Allow Bargaining Units to Petition for Unit Modifications Throughout the Year, at the Discretion of the City Manager

BACKGROUND

The City of Alameda's Employee Relations Resolution, Resolution 7476, and its procedural Resolution, Resolution 7477, jointly implement the Meyers-Milias-Brown Act by establishing procedures for administration of employer-employee relations between the City and its employee organizations. While Resolution 7476 is considered the actual Employee Relations Resolution, 7477 adopts rules and regulations to carry out the provisions of Resolution 7476.

According to Resolution 7477, bargaining unit modification requests may only be made in the month of November. Because there has been increased interest in this area, the City Manager is recommending that requests for unit modifications may be made at any time, not just in the month of November, at the discretion of the City Manager. To allow this to happen, Resolution 7477 must be slightly amended.

DISCUSSION

Resolutions 7476 and 7477 have not been updated since 1969. It is unknown why Resolution 7477 states that unit modifications may only be made in November. Because there is no practical reason for this limitation and because the City wishes to be more accommodating to other groups requesting unit modifications, the City Manager recommends a minor amendment to Resolution 7477.

Section 3(C) of Resolution 7477 states, in part: "A Petition for Modification of an established unit may be filed by an employee organization with the Municipal Employee Relations Officer during the period for filing a Petition for Decertification." Under Section 3(B), the period in which a Petition for Decertification may be made is only during the month of November of each year. Because the City does not seek to change the procedures for a Decertification at this time, the proposed change to Resolution 7477, in the first sentence of Section 3(C), would be as follows: "A Petition for Modification of an established unit may be filed by an employee organization with the Municipal Employee Relations Officer during the month of November, or at any other time, at the discretion of the City Manager."

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It has also come to our attention that because the Employer Employee Relations Resolution is so outdated, there are several provisions that will need amendment, particularly in light of recent changes in public employee relations law in regards to dispute resolution processes. These changes will take some time to research, however. In the meantime, the recommended minor modification will allow bargaining units to immediately petition for unit modifications without waiting for November of each year.

All bargaining units have been contacted and notified of the proposed change and all have concurred with this change.

FINANCIAL IMPACT

There is no financial impact from the adoption of the resolution.

ENVIRONMENTAL REVIEW

No environmental review is required as the amendment to Resolution 7477 is not a "project" under CEQA. CEQA Guidelines, section 15378 (b). The Policy, if adopted, would be an administrative activity of government that will not result in direct or indirect physical changes to the environment (section 15378 (b) (5)).

RECOMMENDATION

Adopt Resolution amending Resolution 7477 to allow bargaining units to petition for unit modifications throughout the year, at the discretion of the City Manager.

Respectfully submitted,
Stephanie Garrabrant-Sierra, Administrative Services Director

Financial Impact section reviewed,
Fred Marsh, Finance Director

Exhibits:

1. Resolution No. 7476
2. Resolution No. 7477

CITY OF ALAMEDA RESOLUTION NO. 14894

AMENDING RESOLUTION 7477 TO ALLOW BARGAINING UNITS
TO PETITION FOR UNIT MODIFICATIONS THROUGHOUT THE
YEAR, AT THE DISCRETION OF THE CITY MANAGER

WHEREAS Resolution 7476 and Resolution 7477 jointly implement the Meyers-Milias-Brown Act by establishing procedures for administration of employer-employee relations between the City and its employee organizations; and

WHEREAS, Resolution 7477 specifically adopts rules and regulations to carry out the provisions of Resolution 7476; and

WHEREAS, Under Resolution 7477, bargaining unit modification requests may only be made in the month of November and because there has been increased interest in this area, the City Manager is recommending that requests for unit modifications may be made at any time, not just in the month of November, in the discretion of the City Manager; and

WHEREAS, to allow this to happen, Resolution 7477 needs to be amended in Section 3(c) to state: "A Petition for Modification of an established unit may be filed by an employee organization with the Municipal Employee Relations Officer during the month of November, or at any other time, at the discretion of the City Manager."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that Section 3(c) of Resolution 7477 be amended to read as follows:

"A Petition for Modification of an established unit may be filed by an employee organization with the Municipal Employee Relations Officer during the month of November, or at any other time, at the discretion of the City Manager."

Janet C. Kern, City Attorney

Approved as to Form

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 18th day of February, 2014, by the following vote to wit:

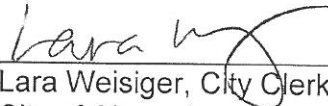
AYES: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 19th day of February, 2014.



Lara Weisiger, City Clerk
City of Alameda